

**REMARKS/ARGUMENTS**

In response to the Office Action dated July 29, 2004, claims 11 and 12 are added. Claims 1-12 are now active in this application. No new matter has been added.

The indication that claims 9 and 10 are allowable, and that claims 2-6 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

Claims 1, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Souma et al. (USPN 6,345,109) in view of Fukui et al. (USPN 6,466,685).

The rejections are respectfully traversed.

Fukui and Souma are directed to a determination apparatus for determining to which data, in an image database prepared in advance, an input image attains higher degree of similarity. In contrast, the present invention is directed to an apparatus for producing an image removing a variable factor at the time of image pick-up from an input image. An object to be achieved by the arrangement of Fukui and Souma is "determination", whereas an object to be achieved by independent claims 1 and 7 is "image production." Accordingly, there is a difference between the arrangements of Fukui and Souma and the inventions of the present application.

As a natural result, Fukui and Souma do not produce a face image with shade component removed, as recited in independent claims 1 and 7. More specifically, Fukui and Souma merely convert the input image into numbers by converting the same to a vector or by projecting the same to a space, and thereafter use the numbers for comparison with a target image *so as to*

*obtain a degree of similarity.* Fukui and Souma may remove influence of illumination during the course of conversion to the numbers or comparison of the numbers, however, such a process itself is merely conversion of the input image to the numbers and comparison of the numbers *for obtaining a degree of similarity.* Once a degree of similarity is obtained, the object of Fukui and Souma is achieved. Therefore, *a face image with shade component removed is NOT produced.* In addition, Fukui and Souma do not have a concept to process the input image as an image, and to output the processed input image as an image. Consequently, the claimed invention does not result even if the shade component removal of Souma were somehow used in the arrangement of Fukui.

In view of the above, independent claims 1 and 7 are patentable over Fukui and Souma, considered alone or in combination, as is dependent claim 8, and their allowance is respectfully solicited.

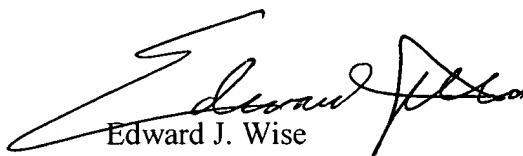
**CONCLUSION**

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY

  
Edward J. Wise  
Registration No. 34,523

600 13th Street, NW  
Washington, DC 20005-3096  
(202) 756-8000 EJW/dmd  
**DATE: October 28, 2004**  
Facsimile: (202) 756-8087